

1 wish to come forward to explain the section?

2 DELEGATE WEIDEMEYER: Mr. President and Delegates
3 of the Committee, my assignment was to cover two
4 sections, Section 11 and also Section 13.

5 Section 11 provides for indictment by grand
6 jury, and as you know, we have indictment by the grand
7 jury now, although there was no specific provision in
8 the Constitution requiring grand jury. However, in our
9 present Declaration of Rights, in Article XXI it was by
10 implication because in Article XXI of our present declara-
11 tion of rights it said that the accused should be furnished
12 with a copy of the indictment and by implication we had
13 the grand jury.

14 Under the Federal Constitution we had the words
15 whiche we have in Section 11, which specifically require
16 indictment by grand jury, and then we have now under rule
17 of the Court of Appeals Rule 708 which requires indictment
18 of a grand jury in capital or other infamous crimes,
19 and also 709, which permits the accused to waive, so I
20 think where we have changed Article XXI of the Declaration
21 of Rights, and where we want to guarantee this right in capital